

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hartley *et al.*

Appl. No. 10/058,291

Filed: January 30, 2002

For: **Recombinational Cloning Using  
Engineered Recombination Sites**

Confirmation No.: 3302

Art Unit: 1636

Examiner: David Guzo

Atty. Docket: IVGN 127.8 CON

**Reply to Restriction**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the Office Action dated April 15, 2008, the Examiner has restricted the claims to three inventions citing 35 U.S.C. § 121 (Office Action, page 2). The three inventions are:

- Group 1, claims 113-124 directed to a nucleic acid molecule comprising, in order: (a) an origin of replication, (b) a first positive selection marker, (c) a first promoter, (d) a first site-specific recombination site, (e) a coding sequence, (f) a second positive selection marker, (g) a second site specific recombination site, and (h) a second promoter; wherein the first promoter is operably linked to the coding sequence, wherein the second promoter is operably linked to the second positive selection marker;
- Group 2, claims 125-138 directed to a nucleic acid molecule comprising, in order: (a) a first site-specific recombination site, (b) a negative selection marker, (c) a positive selection marker, (d) a second site-specific recombination site, (e) a second positive selection marker; wherein the first positive selection marker and the second positive marker are different; and
- Group 3, claims 139-149 directed to a nucleic acid molecule comprising, in order: (a) an origin of replication, (b) a first positive selection marker, (c) a first site-specific recombination site, (d) a second positive selection marker, (e) a third positive selection marker, and (f) a second site-specific recombination site,

wherein the first positive selection marker, the second positive marker and the third positive selection marker are different from each other.

Applicants elect, without traverse, Group 1, claims 113-124.

### ***Conclusion***

Applicants believe that a full and complete reply has been made to the outstanding Restriction Requirement and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-3994.

Respectfully submitted,

/Peter G. Foiles/

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Date: August 14, 2008